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C O N F I D E N T I A L TASHKENT 000924

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DEPT FOR SCA, DRL, EUR/ACE, AND USAID
EUR/ACE FOR RICK STODDARD

E.O. 12958: DECL: 08/11/2018
TAGS: [PHUM](#) [EAID](#) [KDEM](#) [PGOV](#) [PREL](#) [SOCI](#) [TU](#) [UZ](#)
SUBJECT: FREEDOM HOUSE TRIES TO UNITE LAWYERS AND HUMAN
RIGHTS ACTIVISTS

REF: TASHKENT 741

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

11. (C) Summary: On July 26-29, poloff observed an offshore Freedom House training conference for Uzbek human rights activists and state-licensed defense lawyers in Istanbul, the first to be conducted under Freedom House's new USAID grant. The conference sought to encourage greater cooperation between the two sides, but some of the lawyers and human rights activists complained to poloff about not being properly informed in advance about the goals of the conference. Poloff witnessed some positive outcomes, including avid discussion of possible cooperation between the two groups, but it remains to be seen how much of this will translate into actual cooperation on the ground. After the conference, Freedom House's AmCit Senior Program Officer traveled to Tashkent, but authorities refused to meet with him, despite intervention by the Embassy. We will continue to stress to officials that it is in their own best interest to allow organizations like Freedom House to return to Uzbekistan, so that their activities can be conducted in full transparency. End summary.

FREEDOM HOUSE RECEIVES GRANT TO CONTINUE OFFSHORE TRAINING

12. (C) In May, USAID awarded Freedom House slightly over one million dollars to implement a two-year "Support for Human Rights Defenders and Prevention of Torture in Uzbekistan" project. The project is aimed at strengthening local capacity in Uzbekistan to advocate for reforms and improve protections for freedom from torture, arbitrary detention, and interference with privacy. The project also aims to increase cooperation between human rights groups (including the Rapid Reaction Group, Ezgulik, and Mothers Against the Death Penalty), as well as between human rights groups and other potential partners, including members of the Uzbekistan Bar Association, medical personnel, and independent

journalists.

ISTANBUL CONFERENCE BACKGROUND

¶3. (C) The Istanbul conference on July 26 - 29 was the first to be conducted under the new USAID grant and was aimed at building links between human rights activists and members of the Uzbekistan Bar Association who work as licensed-defense lawyers. Both sides participated in substantive discussions on monitoring Uzbekistan's recent legislation introducing habeas corpus and abolishing the death penalty. In addition, participants discussed how to strengthen the independence and efficiency of the Uzbekistan Bar Association.

¶4. (C) Most of the lawyers were members of the Tashkent Bar Association or worked at Public Defenders Centers in Tashkent, Ferghana, and Nukus, which implement programs administered by the American Bar Association Rule of Law Initiative (ABA/ROLI) and funded by USAID. The Tashkent Bar Association also receives funding from the State Department's Bureau of International Narcotics and Law Enforcement (INL). The Freedom House conference immediately followed an ABA/ROLI conference in Istanbul attended by the same group of lawyers.

¶5. (C) Under a previous USAID grant, Freedom House conducted offshore training for Uzbek human rights activists in Almaty, Kazakhstan. The Istanbul conference included many of the same activists who participated in earlier offshore trainings. Freedom House's office in Tashkent was forced to

close in the wake of the 2005 Andijon events. Under its new grant, Freedom House plans to hold additional conferences in Istanbul which will seek to build links between activists, medical personnel, and independent journalists.

PARTICIPANTS REJECT MEMORANDUM ON NEW TASK FORCE...

¶6. (C) At the conference, several of the participants complained to poloff about not being properly informed in advance by Freedom House about its goals. Rapid Reaction Group member Sukhrobjon Ismoilov reported being asked by Freedom House to write a memorandum on the formation of a new "National Human Rights Task Force," the concept of which originated with Freedom House. Ismoilov explained that he wrote the memo under the impression that the Task Force would unite human rights activists, not activists and defense lawyers. He was reportedly told by Freedom House the day before the conference began that it would also include lawyers. Ismoilov and the other Rapid Reaction group members were offended that Freedom House had not informed them previously of their plans.

¶7. (C) At the conference, the activists and lawyers were asked to sign the memorandum on participating in the new National Human Rights Task Force. Many of the lawyers were vocal in their opposition to signing the memo, arguing (persuasively) that doing so could potentially put their professional licenses at risk. Before the conference began, the lawyers apparently had no idea that they would be asked to sign the memo. According to ABA program officer Nozima Medeubayeva, several of the lawyers felt "trapped and pressured" to sign the memo. Ultimately, the memo was rejected.

¶8. (C) Freedom House's AmCit Senior Program Officer told poloff at the conference that his organization had not anticipated the lack of trust between the lawyers and human rights activists. He envisioned that the Task Force would put together a monthly report on human rights developments in Uzbekistan edited by Ismoilov. The report would then be vetted by lawyers to ensure that information on specific human rights cases could be submitted to international institutions for review, including United Nations human rights bodies and the European Court of Human Rights. He believed that the formation of a Task Force would increase

cooperation between human rights activists and potential partners and improve the quality of human rights reporting from Uzbekistan.

...BUT VOTE ON DECLARATION ON COOPERATION

¶9. (C) After rejecting Ismoilov's memorandum, the activists and lawyers drafted a more modest "Declaration on Cooperation between Civil Society Representatives." The agreement was not signed, but adopted by a quick voice vote (Comment: Afterwards, some of the lawyers and activists admitted they had not even seen the agreement for which they had supposedly voted. End comment.) The Declaration did not mention the formation of a National Human Rights Task Force, but instead stated that the activists and lawyers would collaborate on promoting human rights; lobby together to reform Uzbekistan's legislation and its judicial system; conduct training programs on human rights in the regions; and pursue cooperation with the government. The two sides also agreed to form regional working groups to conduct human rights monitoring and advocacy.

POSITIVE OUTCOMES

¶10. (C) Despite the initial mistrust between the lawyers and the human rights activists, poloff observed some positive outcomes from the conference. The human rights activists and the lawyers increased their awareness of each others' work and avidly discussed possible avenues of cooperation. One Tashkent-based lawyer told poloff that while he was afraid to sign any formal agreement on cooperation with activists, he intended to collaborate discreetly with them on certain cases.

¶11. (C) One Ferghana-based lawyer told poloff that she had initially mistrusted the human rights activists, as she knew little about their work and feared they were National Security Service (NSS) informants. Through participating in the conference, she learned more about their activities and now planned to collaborate with them in the future. She recognized that activists could assist lawyers by publicizing human rights abuses, thereby bringing greater pressure to bear on authorities in certain criminal cases. She added that lawyers could even benefit from cooperating with human rights activists in civil cases. For example, she noted that many individuals in Ferghana have sued the Hokimiyat (regional administration) over its use of eminent domain, alleging that it had not properly warned citizens about property seizures or fully compensated them afterwards. The lawyer observed that in cases publicized by human rights activists, plaintiffs tended to be more successful. So far, the lawyer reported that law firms in Ferghana have won approximately 40 million soums (30,300 dollars) from the Hokimiyat in such cases.

¶12. (C) Members of the Tashkent Bar Association offered to hold trainings for human rights activists in the regions. They also discussed plans to conduct a year-long monitoring of the implementation of the government's habeas corpus law and left the door open for possible collaboration with human rights activists. One of the Tashkent Bar Association members told poloff that she especially benefited from a session on lobbying at the conference. She noted that her fellow lawyers have little experience with lobbying, but were interested in increasing efforts to promote legislative reform and could coordinate any lobbying with human rights activists. In particular, the lawyer expressed interest in lobbying against a recent draft law on the National Bar Association, that threatens to destroy the independence of the organization (reftel).

¶13. (C) The lawyers also discussed the possibility of having retired judges conduct trainings to increase the professionalism of sitting judges. As they no longer worked

for the government, the retired judges enjoyed greater latitude to conduct such trainings.

...BUT NOT EVERYONE SURE ABOUT FUTURE COOPERATION

¶14. (C) One Nukus-based lawyer told poloff that she enjoyed the conference, but she still had no intention of working with human rights activists. She still mistrusted the activists and noted that the conference did not include any activists from Nukus with whom she could collaborate. Other lawyers expressed interest in cooperating with registered human rights groups like Ezgulik, but were still afraid of losing their licenses by sharing information with unregistered groups like the Rapid Reaction Group.

¶15. (C) Some of the human rights activists also doubted whether the conference would result in greater cooperation.

Members of the Rapid Reaction Group told poloff that they would continue to work with the Tashkent Bar Association, especially its Chairperson Gulnora Ishankhanova and its Project and International Law Issues Consultant Guljakhon Amanova, with whom they already enjoy a good relationship. However, they doubted whether most of the other lawyers would actually pursue cooperation with activists once they returned to Uzbekistan.

FREEDOM HOUSE COMES TO TASHKENT, GOU REFUSES TO MEET

¶16. (C) Following the conference, Freedom House's AmCit Senior Program Officer visited Tashkent on July 30 - August 1. Though he was issued an Uzbek visa, the AmCit was not provided with any of the meetings he requested with government officials. Before traveling to Tashkent, the AmCit requested meetings through the Uzbek Embassy in Washington, but did not receive a timely response. The Embassy then submitted a diplomatic note on Freedom House's behalf requesting meetings. The MFA responded two days later (in record time for them) that no government meetings would be granted. While in Tashkent, the Freedom House Senior Program Officer met with representatives of the United Nations Development Program (UNDP), the Organization of Security and Cooperation in Europe (OSCE), the Friedrich Naumann and Konrad Adenauer Foundations, and the British Embassy.

¶17. (C) On August 1, the Freedom House AmCit Senior Program Officer met with the Charge at the Embassy. The AmCit noted that under its new USAID grant, Freedom House originally planned to focus again on offshore training for human rights activists. However, on the urging of USAID and the Embassy, he said that Freedom House decided to incorporate more onshore activities, especially in the second year of the grant, including offering small project grants to local human rights groups. He said that Freedom House was also interested in working in areas outlined by President Karimov in a recent decree on the 60th Anniversary of the Universal Declaration of Human Rights. While he noted that Freedom House was more heavily involved in advocacy in countries such as Kyrgyzstan and Kazakhstan, given the extremely difficult operating environment in Uzbekistan, his organization sought a more conciliatory approach towards the Uzbek government. Far from planning a color revolution, the AmCit explained that Freedom House's short-term goal in Uzbekistan was to simply keep alive whatever civil society still remained in the country.

¶18. (C) Observing that the Uzbek government refused to grant him any meetings during his trip, the AmCit noted that it was unlikely that Freedom House would be reregistered in Uzbekistan or would be able to hold trainings in Tashkent anytime soon. He also observed that even if Freedom House were allowed to return to Uzbekistan, one downside is that it would be unable to continue working with unregistered human rights groups without violating Uzbek law. While the AmCit admitted that there had been some disagreements in the past

between Freedom House and the Institute of New Democracies (IND) - which also recently received a new USAID grant to conduct human rights activities in Uzbekistan - he did not foresee that the two organizations would come into conflict, as their activities and partners largely did not overlap. The AmCit also promised to keep USAID and the Embassy informed of Freedom House's activities through its quarterly reports.

COMMENT

¶19. (C) We agree with Freedom House that increasing cooperation between the lawyers and human rights activists is a worthy goal to pursue, but it clearly did not anticipate the depth of mistrust between the two groups. While the conference did result in much discussion of possible avenues of collaboration, it remains to be seen how much of this will translate to action on the ground. Freedom House also failed to adequately inform the participants about the goals of the conference. Perhaps this was done for security reasons or because they were afraid that the lawyers would choose not to participate. Nevertheless, Freedom House has a responsibility to fully inform invitees about the goals of its conferences, so that they can decide for themselves whether to participate or not. During the conference, poloff also sensed that Freedom House was trying to force consensus on the participants rather than listening fully to their views. On the other hand, we anticipate that Freedom House will have fewer problems forging cooperation between the activists and medical personnel and independent journalists, as these groups already cooperate with one another to a certain degree. We also support Freedom House's efforts to increase the professionalism of Uzbekistan's human rights activists. Activists already produce a large volume of reporting on human rights abuses in Uzbekistan, but too much of it is unreliable.

¶20. (C) We also believe that Freedom House might be able to save resources in the future by inviting fewer participants to Istanbul. Some of the activists and lawyers complained that their discussions could have been more productive with fewer "cooks in the kitchen." While Freedom House tried to incorporate a few activists who had not participated in their training before, these individuals appeared largely disengaged and it is questionable whether they benefited much. Freedom House should also consider choosing a less expensive hotel in which to hold the conference. Poloff was unable to stay in the hotel, as the nightly rate far exceeded the U.S. government's per diem rate for Istanbul.

¶21. (C) The Uzbek government missed another opportunity by failing to meet with the Freedom House representative in Tashkent. We will continue to stress that it is in the government's best interest to allow organizations like Freedom House to return to Uzbekistan, so that they can conduct their activities in a fully transparent manner. While we are doubtful that Freedom House will be able to regain its registration or conduct onshore trainings anytime soon, we support its efforts to fund projects by local human rights groups and encourage cooperation between activists and government officials, which we believe is the most effective approach for promoting human rights in Uzbekistan.
BUTCHER